

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-0234-20	Applicant:	ARB Commercial Enterprises Ltd
Proposal:	Change of use from veterinary surgery (D1) to two residential flats		
Location:	21-23 Boston Road South Holbeach Spalding		
Terminal Date:	31st July 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 and 16 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the change of use of the veterinary surgery at 21-23 Boston Road South, Holbeach from mixed residential and commercial into a solely residential property. The first floor of the property is already a residential unit. This application proposes that the ground floor shall also be converted to residential use, meaning that the application site would contain 3 self contained flats, and a single self-contained dwelling (already extant).

The visual changes to the property proposed by this application is for the replacement of a front, ground floor window with an additional access door to provide private access to one of the proposed flats, the creation of a new door and 2 new windows to the rear elevation and the replacement of a door with a window on the side (southern) elevation.

Site Description

The site is a C19th small residential property, set within the Holbeach Conservation Area (HCA). The property itself is unremarkable in its design, being a fairly standard and common example of a C19th terraced property. Whilst the site doesn't contribute in any significant manner to the HCA, it can be considered in the wider historic context of the area and does hold some limited value to the overall character of the area as a somewhat well preserved example of a early 1800s terrace property.

The area immediately surrounding the property can be characterised as being a mix of residential and commercial with a wide range of architectural styles and periods on show.

History

H09-0262-85

Change of use to office and create studio. APPROVED on 05/06/1985

H09-1313-87

Change of use from offices & studio to veterinary' surgery & living accommodation. APPROVED on 19/01/1988

H09-1095-94

Two painted fascia signs with timber side frames. APPROVED on 30/01/1995

H09-1239-01

Part change of use from dwelling to dwelling and veterinary surgery reception. APPROVED on 18/12/2001

Consultation Responses

CLlr Biggadike - Ward Member for Holbeach Town

Objects to the plans on the grounds that 4 residential units would be too many, creating a HMO and that this would present waste storage problems due to there being no curtilage.

South Holland District Council Environmental Protection Officer

No objections.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections but the applicant should be required to provide secure cycle storage on the site.

Then applicant was advised of this and has amended the application to include cycle storage facilities in the rear yard.

Planning Considerations

Principle of development

The loss of commercial space in a non-primary shopping frontage location is acceptable in policy terms. The proposal site also sits well within the defined settlement boundary for Holbeach. In addition, whilst the proposal includes no dedicated parking, this is a town centre location, within easy reach of services and public transport; The County Council highways department have been consulted and raise no concerns over a car-less development. For the reasons listed above, the principle of development is deemed to be acceptable.

Heritage Impact

The Local Planning Authority does not believe that there is any risk presented to the value or significance of any designated heritage asset. This is because there are no individual designated assets within the visual context of this property, and the visual changes to the building (installation of new ground floor doors and windows) are as minor as to have no appreciable negative impact upon the qualities of this area of the conservation area. Furthermore, this application proposes to bring back into use the ground floor of this property which has now been empty for some time. Bringing a property in a prominent conservation area location back into regular use will prevent it from entering a state of disrepair and becoming a draw on the qualities of the area. For this reason, it must be considered that this application helps to Enhance the historic environment in accordance with section 16 of the National Planning Policy Framework (2019).

Design and Layout

The Local Planning Authority does not seek any amendment to the design or layout of the proposal. As outlined above, the only design change to this property is for the installation of a new ground floor doors and windows. For the reasons listed in the above 'Heritage Impact' section, this design is deemed to be appropriate.

With regards to the layout of the proposal, the Local Planning Authority deems the proposed layout to be suitable for the creation of 2 additional modest flats.

Parking Provision

This application is for a proposed car-less development, meaning that there will be no dedicated car parking spaces. However, this proposal is brought forward as car-less because of its town centre location, with shops, services and access to public transport all within easy walking or cycling distance. Holbeach town centre also features significant amounts of both free, and paid parking. The Lincolnshire County Council has been consulted and raised no concerns over the principle of a car-less development on this site. Paragraph 106 of the National Planning Policy Framework (2019) does state that Local Planning Authorities should seek to improve the quality of Town Centre parking where possible, but as this application has no bearing or influence over any public parking zones, it has not been possible in this instance. Furthermore, to satisfy the requirements of the Lead Local Highways Authority, the applicant has amended the plans to include provision of secure cycle storage.

Refuse Storage

The application proposes the inclusion of a refuse storage area in the rear courtyard area of the property.

Consultee Objections

The Local Planning authority recognises the comments of the Local Ward Member. However, this application is not for the creation of a HMO property, simply the creation of 2 additional, self-contained ground floor residential flats, in addition to the extant 1st floor self-contained flat and connected single, self contained dwelling. As all of the proposed residential units are self-contained, this cannot be considered to be a HMO application. Furthermore, the applicant has included provision for refuse storage in the rear courtyard of the property.

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3, 11, 17, 29, 36 and appendix 6 of the South East Lincolnshire Local Plan (2019) in addition to Sections 12 and 16 of the National Planning Policy Framework (2019). Therefore, this application is recommended for APPROVAL.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.